

PB# 77-22

Connelly Industry

Connelly Industry 77-22
Windsor P. Co. certifies

approved
7/18/77 SH

GENERAL RECEIPT

3306

Town of New Windsor, N. Y.

Received of Connelly Industrial Management Corp. June 28, 1977
Township - fine and \$ 25⁰⁰
For Hearing Fee Dollars

DISTRIBUTION:

FUND	CODE	AMOUNT

BY Pauline Townsend
Deputy Town Clerk
TITLE

Date

4/22/77

Application No.

77-22

TOWN OF NEW WINDSOR PLANNING BOARD

555 Union Avenue; Tel: 565-8308

APPLICATION FOR SITE APPROVAL

Name CONNELLY TRD. INC.

Address P O Box 1104 NEWBURGH. N.Y.

1. Owner of the property WINDSOR PROPERTIES INC
2. Location of the property RT 32 NEW WINDSOR N.Y.

3. zone area MULTI FAMILY

4. Nature of business _____

5. Lot size: Front 24 ACRES Rear _____ Depth _____

6. Building setbacks: Front yard _____ Rear yard _____

Side yard _____

7. Dimensions of new building _____

Addition _____

If addition, state front, side, rear of existing structure:

Compliance with requirements shall be the sole responsibility of the applicant or his representative and it is suggested a copy of the Zoning Ordinance be obtained, with particular attention to Article X to avoid rejection of the plans.

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expense for advertising of Public Hearing or meetings will be paid. Also, any legal or engineering fees for review of this project. Fees are due and payable upon submission of preliminary plans. All checks are to be made payable to the Town of New Windsor. Seven (7) copies of the plans are required.

Signature of applicant

Presubmission _____

Final Approval _____

Adopted 10/5/70

6 month ext

6 month ext granted 7/6/79

Co. Planning Bd.

SUPREME COURT—STATE OF NEW YORK
~~XXXX~~/SPECIAL TERM PART—ORANGE COUNTY

Present:

HON. MORTON B. SILBERMAN

SUPREME COURT: ORANGE COUNTY

Justice.

ARTHUR O. MAHARAY,

Petitioner,

—against—

HENRY VAN LEEUWEN, LAWRENCE JONES, JOSEPH
 LOSCALZO, ERNEST SPIGNARDO, ALBERT ARGENIO,
 JOSEPH CIMORELLI and THOMAS DOWD, consti-
 tuting the Planning Board of the Town of
 New Windsor, Orange County, New York,

Respondents.

NEW WINDSOR PLANNING BOARD

INDEX
 NUMBER 4703 19 77
 MOTION
 DATE September 12, 1977
 MOTION
 CAL NUMBER 38
 TRIAL
 CAL NUMBER

MORTON B. SILBERMAN, J.

This is an article 78 proceeding to review a determination made by the Planning Board of the Town of New Windsor. Said determination granted an application by Connelly Industries for approval of a site plan for a residential development known as "The Commons at Windsor." Petitioner brings this proceeding in the capacity of an adjoining property owner allegedly "aggrieved" by the Board's determination. Petitioner has not seen fit to join Connelly Industries, the successful applicant, as a party to the proceeding. Nor does it appear that Connelly Industries has ever been formally notified of the pendency of the proceeding.

Under the circumstances, this proceeding should progress no further until such time as Connelly Industries is formally notified of its pendency and is thereby afforded a reasonable opportunity to intervene (CPLR 1012, subd. [a], par. 2), if so advised (see

Matter of Leventhal v. Michaelis, 29 Misc 2d 831, 841).

Accordingly, petitioner shall, within 20 days after the date of this decision and order, serve upon Connelly Industries, in the manner provided by CPLR 403 (subd. [c]), (a) a copy of this decision and order with notice of entry and (b) conformed copies of the notice of petition, petition and other supporting papers herein.

Either party may re-notice this proceeding for hearing on two-days' notice, upon the expiration of 30 days after the date of compliance with the preceding paragraph.

So ordered.

E N T E R :

Dated: Goshen, New York
November 1, 1977.

HON. MORTON B. SILBERMAN, J. S. C.
Justice Supreme Court

Attorneys for petitioner:	Maharay, Seaman, McGuirk & Zeccola, Esqs., P.O. Box 4078, 542 Union Ave., New Windsor, N.Y. 12550
Attorney for respondents:	Philip A. Crotty, Jr., Esq., Town Attorney, Town of New Windsor, 555 Union Ave., New Windsor, N.Y. 12550

NEW WINDSOR PLANNING BOARD MEETING
HELD AT THE NEW WINDSOR TOWN HALL
MARCH 13, 1974 at 7:30 P.M.

BOARD MEMBERS PRESENT: CHAIRMAN JOSEPH LOSCALZO, HENRY VAN LEEUWEN,
LAWRENCE JONES, THOMAS DOWD, ALBERT ARGENIO,
AND ERNEST SPIGNARDO.

BOARD MEMBERS ABSENT: JOSEPH CIMORELLI

OTHER OFFICIALS PRESENT: ANTHONY AUSTRIA: PLANNING BOARD ATTORNEY
BERNARD KESSLER: PLANNING BOARD ENGINEER
HOWARD COLLETT: BUILDING INSPECTOR

Chairman Loscalzo called the meeting of the New Windsor Planning Board to order at 8:00 P.M.

Chairman Loscalzo: Mr. Weiner is here to have some maps signed and to present some check for Windsor Country Club Estates.

Attorney Weiner: I have \$16,875.00 - Parkland Fee, \$11,343.64

Chairman Loscalzo: You are missing one for Subdivision fee of \$2,085.00.

Attorney Weiner: I will meet your Secretary at the Town Hall tomorrow with the missing check and pick up signed maps.

Mr. Argenio accepted the Parkland check and the Inspection Fee check.

Chairman Loscalzo: Attorney Weiner will present S/D fee at Town Hall tomorrow and receive signed maps.

1 on the Agenda:

CONTINENTAL MANOR SITE PLAN # 73-39
LOCATED ON TEMPLE HILL ROAD
REPRESENTED BY Raymond Icobelli

Mr. Icobelli: I am here tonight with the money for parkland and site plan fees of Continental Manor. \$9,050.00 parkland and \$100.00 site plan fee.

Mr. Van Leeuwen: There is an additional \$15,000 fee for drainage expense.

Mr. Icobelli: I am at a loss here. Mr. Mendell gave me checks I was to bring. Let me refresh my memory.

Chairman Loscalzo: read a motion with reference to this fee.
Motion is in January 9, 1974 Minutes on page 11.

Continental Manor Site Plan Continued

Mr. Jones: What about the easement with the Railroad?

Mr. Icobelli: The Hoboken people have approved the easement but it had to go to Cleveland for ratification.

Chairman Loscalzo: Have Attorney Romano call Attorney Austria for instructions. Take your check also until this is straightened out.

#2 on the Agenda:

GEYSEN PARK SUBDIVISION
REPRESENTED BY ATTORNEY HERBERT FABRICANT

Attorney Fabricant: Some few weeks ago I wrote your Chairman in respect to Geysen Park and asked for an extension of Geysen Park. You denied same. I returned another letter to you telling you the County Health had approved nine (9) lots. We had to work out a percolation problem. I have a map here to show the way the lots have been divided up. (Attorney Fabricant explained same.) I hope you will approve these. Nine (9) lots have been approved by the County. Tests had to be made on these lots. Lots 1 - 8 have not been approved but balance of them have been. Under those circumstances it is my hope that you would reinstate preliminary approval and allow Sect. 1 to proceed.

Chairman Loscalzo: What happens to the remainder of lots?

Attorney Fabricant: They have to go under inspection again. It can't be done until ground is more settled.

Mr. Spignardo: Are the lots being excepted contiguous?

Attorney Fabricant: Yes, (Atty. Fabricant went to each Board Member and explained map) We would like final on Section 1.

Mr. Argenio: You are looking for 7 lot approval?

Attorney Fabricant: No, 9 lots.

Mr. Van Leeuwen: How much time will this take?

Attorney Fabricant: It is not an unusual situation to have some lots approved and some not.

Chairman Loscalzo: Are you here for an extension of preliminary approval or final?

Attorney Fabricant: Extension of preliminary approval.

Mr. Dowd: Why didn't you ask before the time limit?

Attorney Fabricant: It was an inadvertent mistake. Attention was being paid by the County and Engineers in the field.

Mr. Dowd: We can't assume that.

Mr. Van Leeuwen: We can't approve that the way it is. If the County Health doesn't approve those they have to be taken off the map.

Mr. Van Leeuwen: We can't approve that without changing map. Do you have a stamped map?

Attorney Fabricant: Not here with me. (Showed map)

Mr. Argenio: Shouldn't he submit a map omitting lots?

Chairman Loscalzo: Yes.

Attorney Fabricant: I would ask your leave to come back with other maps.

Chairman Loscalzo: You can't entertain that map.

Attorney Fabricant: Stamped map does show it. If you were to extend time we would bring the map. .

Mr. Jones: This is the site plan you should present tonight.

Chairman Loscalzo: You can't even entertain it until you desire or show desire.

Mr. Argenio: Can I ask a question? They want to put a percolation test eight (8) ft. in ground.

Attorney Fabricant: No, they did on center lots. Test at two levels.

Chairman Loscalzo: It doesn't show which nine.

Attorney Fabricant: Stamped map does show it. Engineer has it. If you were to extend time for preliminary approval we would then bring before you a final map and ask for resolution for final approval. This would show no lots in section 2. We would then have the question of whether or not a bond should be filed, there would be in that event a dedication of an existing public road that was condition of preliminary. As you put it, I really don't have standing unless the Board extends preliminary.

Chairman Loscalzo: What is your pleasure? At this point do you wish to extend his preliminary approval?

Mr. Dowd: We already disapproved it.

Mr. Van Leeuwen: I would like to take this up in executive session.

Chairman Loscalzo: The point is whether or not we extend preliminary approval.

Mr. Argenio: Joe, What is your feeling on this.

Chairman Loscalzo: You asked me- I see no reason in denying preliminary extension approval now that I understand why County approval came late.

Motion by Mr. Argenio seconded by Mr. Spignardo that the New Windsor Planning Board grant extension of 6 months preliminary approval to Geysen Park 17 lots subdivision.

Vote: Jones- yes Van Leeuwen: yes Argenio- yes

Dowd- no Spignardo- yes

Motion Carried.

Geysen Park Continued

Mr. Dowd: Are we going to recind our other motion. Are we going to keep doing this. We said we would abide by our rules. They should have put it in writing giving definite reason. We could have someone else come in to us in a year or two.

Attorney Fabricant: I address myself to that motion and I will read the letter I sent you on February 19, 1974 with reference to extending preliminary approval. (this letter may be seen in the Geysen Park folder.) No one appreciate more than I do the task you have in protecting the public interest. It was an error that was done (not mine), that someone didn't have the common sense and courtesy to ask for an extension before the time. Work has proceeded in good faith.

Attorney Austria: The letter was written after your request was denied.

Attorney Fabricant: read a letter of February 4, 1974 with reference to an extension of preliminary approval. (This letter may be seen in the Geysen Park folder.)

4 on the Agenda

BEN HARRIS SITE PLAN # 74-5
LOCATED ON ROUTE 9W
REPRESENTED BY BEN HARRIS AND GEORGE SHAW JR.

Mr. Harris: I would like site plan approval. We have proper parking and set back.

Mr. Van Leeuwen: How may parking spaces?

Mr. Shaw: Eighty-one are required. We have ninety-one.

Mr. Van Leeuwen: What is the square footage?

Mr. Shaw: 17,320.

Mr. Harris: We are going to have the same as Triple S store - Antique Brick finish, and tinted glass.

Chairman Loscalzo: This is now a blacktopped area.

Mr. Harris: No this isn't (pointing to map.) The curb cuts are in also.

Mr. Kessler: Where is the sewer connection?

Mr. Harris: Pointed to map to show. I also have Town Water.

Motion by Mr. Van Leeuwen seconded by Mr. Jones that the New Windsor Planning Board give the site plans of Ben Harris #74-5 to the Planning Board Engineer and copies of map be sent to Water and Sanitary Departments and also the State Highway Department. Vote - All ayes, Motion carried.

Ben Harris Site Plan Continued

Mr. Harris: It is connected to the sewer. Triple S store is also connected to the Sewer.

Mr. Argenio: Sewer lines to be shown on map.

Mr. Harris: I have State Highway permit.

Mr. Shaw: I will correct maps and bring them in to Howard's office.

#4 On the Agenda:

KINGSGATE SUBDIVISION #74-6
LOCATED ON DEAN HILL ROAD
REPRESENTED BY MR MORTON SILBERBERG AND ATTORNEY WEINER

Chairman Loscalzo: Last week we decided to reconsider the Kingsgate Subdivision that we had previously denied. I have a letter dated March 11, 1974 from Attorney Weiner with reference to a letter from Attorney Austria. (can be seen in the Kingsgate folder #74-6.)

A letter from Maurice Estates dated March 8, 1974 with reference to Kingsgate Subdivision and documents that were received after Planning Board decision and with two (2) restrictions self imposed. 1. Not to request final approval prior to one (1) year from date of preliminary approval. 2. Not to build the development in less than three (3) years. (this letter may be seen in the Kingsgate folder #74-6.)

Attorney Weiner: Mr. Kohl has said everything in his letter. I don't see how the Planning Board could deny this when we have done everything we are suppose to do.

Chairman Loscalzo: We didn't have all materials available. The forty - five (45) days were coming to an end which would have been automatically giving you approval.

Attorney Weiner: If I had been at the meeting I would have requested an extension which would have abviated the whole problem.

Attorney Austria: If I may say one thing to clarify the record. What we have so far is reconsideration of their request for preliminary approval. We also said that we would have to reconsider a resubmission. If I can, now let me clarify what we mean by resubmission. Would this be retro-active so we can incorporate in our decision the subsequent approval that is I would like to determine the issue.

Mr. Silberberg: I would like to add one point. Within the 45 day limit the Orange County Water and Soil had their facts written. The Orange County Water and Soil had professional say as far as drainage. It was there for the asking. Our contention is - well within the 45 days allowed all facts were in.

Mr. Van Leeuwen: Mr. Silberberg: , why don't we stick to what we have here.

Chairman Loscalzo: I have one thing to say. I can't allow this to go unsaid. At the time of this particular preliminary approval

Kingsgate continued.

We didnot have the Orange County ruling on this. We did not have it in the file. It may have been written.

Mr. Jones: These people come along and tell us about a retention basin. It is a big hole in the ground. We never see it. I want to see it.

Attorney Weiner: Do you want it on the plans?

Mr. Jones: Yes.

Mr. Silberberg: The plans show exactly what it will be. Mr. Kessler has approved it, Orange County Soil and Conservation has approved it and Orange County Planning has approved it, all in writting.

Mr. Argenio: Did you review this Bernie? Does this need a re-review?

Mr. Kessler: No, I made a review in December.

Mr. Silberberg: We will accomodate Mr. Jones. Prior to final if he wants anymore specific data all he has to do is spell it out, what he wants. We woll accomodate you prior to final approval.

Attorney Weiner: We will have our Engineer prepare a detailed analysis.

Motion by Mr. Spignardo seconded by Mr. Argenio that the New Windsor Planning Board grant preliminary approval to Kingsgate Subdivision located on Deans Hill Road file #74-6. Vote- all ayes, Motion carried.

#5 on the Agenda:

Trailers - Review

(a) Walters Trailer Park located on Little Britain Road
Correspondence from Mr. Jacobi stating that he has been ill and is unable to be present on March 13, 1974 but wishes another date within the next 4 weeks.

(b) Thompson Trailer Park - Located on Walsh Road
Represented by Mr. Fred Thompson

Chairman Loscalzo: Do you have your maps?

Mr. Thompson: No, I can get them.

Chairman Loscalzo: Have you ever appeared before?

Mr. Thompson: No, - I was approved 20 years ago. I have 12 trailers.

Mr. Spignardo: Does he have to show any improvemnets?

Mr. Jones: Every year there is a review.

Trailers continued.

Chairman Loscalzo: We need a map of your trailer park which we would stamp and then after we stamp a map you have 5 years to make required improvements. We don't have your initial map. Your particular park may be well enough along so the regulation does not apply. You may satisfy it.

The information you need - A map, how many units, how many units are occupied? If you have shrubs, where streets are etc.

Mr. Thompson: This is the first I have ever heard of this. I have 12 units. The County Board of Health inspects two or three times a year. I am approved by the County Board of Health every year.

Mr. Spignardo: This is just sanitary though. Who inspects these?

Chairman Loscalzo: Howard, do you?

Mr. Collett: No, the County does.

Chairman Loscalzo: Mr. Thompson we will place you on the next agenda - March 27, 1974. Will you have your maps by then?

Mr. Thompson: Yes.

(c) Rudy's Trailer Park - Located on Route 9W across from Stewart Furniture. Represented by Mr. Rudy Dinitto

Chairman Loscalzo: Have you been before us before?

Mr. Dinitto: No, (he explained layout of property on map. This was improve by State Health in 1952. I must go up hill for sewer system. They ~~passed~~ me.

Chairman Loscalzo: Where are you located?

Mr. Dinitto: On Route 9 W across the street from The Stewart Furniture Store. We have two levels. The Town has a map like this one.

Chairman Loscalzo: How many units do you have?

Mr. Dinitto: I have 22-24 spaces useable. We had an underground fire a few years ago and had to remove a lot of soil.

Chairman Loscalzo: How many are there now?

Mr. Dinitto: Sixteen (16) there now. We accomodate eight and ten foot trailers. We don't take any trailers over 50 feet. My sewer line is 6 ft. deep. They ~~passed~~ me completely. We aren't going to get them.

Chairman Loscalzo: Mr. Argenio, would you stamp his map with todays date and number of spaces available and number of spaces filled as of this date.

6 on the Agenda:

CONNELLY INDUSTRY SITE PLAN #74-7
LOCATED ON ROUTE #32 (known as
Commons at Windsor)
Represented by Mr. Morton Marks

Mr. Marks: We have met in executive session with the Town Board and entered into an agreement in the attempt to solve the problem relating to storm drainage. I believe a copy of that agreement should be in your possession. I don't know if you have had time to discuss this with members of the Board. I believe that was the prime objection to the final presentation at the last meeting.

Chairman Loscalzo: Basically as I understand it the agreement says you will contribute 49% of the cost of an established storm water district, below your area that services your area., not to exceed \$100,000. Bottom figure \$68,500.

Mr. Marks: Bottom figure \$68,500 - top figure \$100,000. \$100,000 has been deposited with the Town prior to this meeting.

Mr. Van Leeuwen: You deposited \$100,000 to the Town of New Windsor?

Mr. Argenio: Do you have a certified check?

Chairman Loscalzo: He has the check.

Mr. Marks: A bottom figure of \$68,500 - top drawer figure of \$100,000. forty nine percent (49%) or \$100,000 which ever is less.

Mr. Van Leeuwen: What kind of deposit? A bond or a check? .
The agreement doesn't say.

Mr. Marks: A check. (Mr. Marks passed a copy of the check to the Board Members.) It is my only receipt.

Mr. Spignardo: The agreement says they have. What is the difference if it is a check or money order.

Chairman Loscalzo: I want to read a couple of paragraphs of the agreement. (agreement attached to original minutes filed with the Town Clerk and also to the official minutes of the Planning Board.).
Our original concern was the storm water.

Mr. Spignardo: It still is.

Chairman Loscalzo: It still is absolutely. Connelly and the Town of New Windsor have entered into an agreement to satisfy what they feel is an adequate solution to the problem. Connelly Industries is before us tonight for site plan approval and it is up to the Board to decide whether they want to grant site approval subject to particular item or deny it.

Mr. Van Leeuwen: If they start building what are we going to do with the water? We have to do that drainage deal first. We have no choice. We can't flood people on Spruce Street and all the other streets.

Mr. Jones: The storm system should be complete before they start

Connelly Industry Continued.

building. \$100,000 doesn't phase me, I'm sorry. We are not going to side step.

Mr. Argenio: You are right Tippy. Assuming we give approval, shouldn't the Town Board (let's not take the total burden on our shoulders) shouldn't they begin construction somewhere simultaneously with these people. In other words the storm sewer shouldn't be more than a three (3) month project. I give you the outside. Shouldn't the Town Board take a share of this burden. They should be responsible to start this storm sewer in conjunction with Connelly Industry. Now, I am sure if they got started and this thing on the outside say May they would be done by June, July, or by August it is done. These people haven't begun construction so they should absorb a certain amount of burden here not to be creating a problem constantly for these people. We are absorbing the burden and it looks like we are holding them up. Let the Town Board get going on this. I think the whole situation would be solved. I am willing to go with the general consensus for the best interest of the Town. It is not fair to keep constantly holding these people up. The Town Board should take immediate action.

Mr. Jones: All I am trying to say is, if you lived in the area where the storm water is coming in and the Town has formed a Storm Water District you would want to know about it. You don't want the Town to say they are assessing you because they are forming a storm water district.

Mr. Argenio: We should send a letter saying we are approving this and we want them to start construction immediately on this storm sewer to accomodate these people.

Chairman Loscalzo: To clarify Tippy's point. The Town Board realizes they have to have a referendum and the rest of that. (Chairman Loscalzo read an excerpt from the agreement with reference to a referendum and a storm water district.)

Mr. Spignardo: We could approve this thing that this project does not start until this drainage system starts or in conjunction with it.

Mr. Argenio: They contributed \$100,000. We are taking the burden. It looks like we are holding them up. Everyone will benefit.

Mr. Spignardo: The drainage problem has to be solved, these people should be able to get moving too. Both things should be solved.

Mr. Van Leeuwen: When the storm drainage is half completed these people should be able to start.

Jerry Goldie (Connelly Industry)- It would take about three (3) months to build the system. If it takes that long.

Mr. Van Leeuwen: In the meantime you people get your stuff ready.

Mr. Goldie: Are you saying Sir, you are guaranteeing us the building permits to start now.

Mr. Van Leeuwen: No, I am not, how could I do that.

Connelly Industry Site Plan continued.

Mr. Goldie: What happens if you decide you don't want any more building in the Town. You may have a moritorium here.

Mr. Spignardo: A moritorium doesn't mean we are going to stop you from building forever. It means a period of six (6) months.

Mr. Marks: I wanted to bring up a point - in order to preserve our rights not knowing what may be around the corner as far as the Town reaction toward construction. We would like foundation permits.

Mr. Argenio: The Town Board ought to move and give these people what they propose to do. Yes, they are contributing \$100,000, yes we are going to let out plans, yes we are going to bid on such and such a day, with a completion day of such and such a date.

Mr. Spignardo: By the same token he is coming with a \$100,000 check and he wants final approval.

Mr. Marks: What I am asking for is something we initiation back in July of last summer. We have attempted to meet everything set up by the Planning Board. I believe certain guides lines were set before us to go to full scale drawings and in my mind that was an expression from members of the Board that they welcomed the project into the community and invited us to continue. At that point we went forth and expended some of money that went into working drawings on the particular project and we got to a point that all of a sudden we encountered storm drainage and they said solve this problem. I felt as an exhibit of good faith on the part of us we were apportioned out based upon a sewer study report on your consultant Engineer. He stipulated a figure of \$68,500 would be our cost. This is on a sewer study. He programed our share at \$68,500. We entered into an agreement of \$100,000. We showed good faith. We want some sort of assurance that once we show good faith with the Town of New Windsor that we are not going to get into something where we are hung up for six (6) or eight (8) months. I don't know what is happening in eight (8) months.

Mr. Spignardo: By the same token if you people put a spade in the ground and the referendum gets beat what are you going to do about that?

Mr. Marks: That is our exposure. We recognize that. We feel by virtue of what (unfinished sentence).

Mr. Argenio: May I say this - would it be possible for you to get to the Supervisor and come back at the next meeting with a letter from him stipulating that due to the money shown in good faith that he is going to proceed with this sewer by such and such a date?

Chairman Loscalzo: He can't do that. The people have to vote. There has to be a referendum. He can not do this by himself.

Mr. Argenio: Can't we get a span of time?

Mr. Jones: You say we come up with a storm drainage problem. The County turned you down because of that. I am the man who complained about it. It is not solved.

Connelly Industry continued.

Mr. Marks: You very well did Sir. The money is sitting in the Town vesters right now to do with it to solve the problem. What can I do?

Mr. Jones: You say it is going to solve the problem. It is not. When they form the district and the people okay it to take on the burden of the other \$100,000 then the problem is solved, until then the problem is not. Do you understand my point?

Mr. Marks: Yes, and in the agreement it so state the agreement is nulland void if the referendum doesn't go thru. I would consider a problem so severe as you say it is, I would assume it would go through.

Mr. Van Leeuwen: Your man expected to get final approval right a way.

Attorney Austria: For the record I would like to say. We requested heavy engineering map in accordance with our code. The Planning Board Engineer determined what additional information would be required.

Mr. Spignardo: What is your opinion Tony, on the starting date as in conjunction with the drainage system?

Mr. Argenio: When would you start this project?

Mr. Marks: I would like to get my foundations in so I am not caught in the moritorium for six (6) months or 1 year. I feel I can be of benefit to the Town. I don't want to be caught that I can't start.

Mr. Spignardo: We agree on everything but storm drainage.

Mr. Marks: We exhibited our good faith.

Mr. Argenio: For my part they came in with that amount of money to enhance that area. People will jump at this opportunity.

Mr. Van Leeuwen: We have to find out how long it will take to get the referendum through and how long for the storm drainage.

Mr. Marks: Mr. Austria, would you have the answer to that question since your office handles this. You are in the Town Attorney's office and your knowledge of town government.

Attorney Austria: We are no longer associated. I saw this agreement for the first time tonight. I have taken a conservative approach because of the insertion of about the agreement being contingent on the Boards grant final approval by the 15th. I must call this to the attention of the Board that we must act by the 15th.

Chairman Loscalzo read the thirteenth (13th) paragraph of the agreement with reference to approval.

Chairman Loscalzo: This is a solution to the storm water problem money wise, it is not a solution to the storm water problem in actuality.

Mr. Argenio: The only point I bring up - again is the fact you went to Connelly. You said this is what we require of you. The man goes ahead and fulfills the requirements.

Connelly Industry Site Plan Continued.

Mr. Jones: This Board never said that.

Mr. Argenio: The offering had to be agreed upon. It had to be two parties. It was a two party thing.

Chairman Loscalzo: Yes, The unfortunate thing is that the party who has the action is not this Board who is making the decision. If we had the authority to establish a storm water district tomorrow without anything then it would be a whole different story. We would take the \$100,00 and start the project.

Mr. Marks: It is my understanding we were to go to the Town Board. We spoke to the Town Board. We entered into an agreement. You steered us to the Town Board. We did this. Now I am back here. I scored a touch down. Let me kick off. You sent me there now let me come back.

Chairman Loscalzo: There has to be a referendum. We are not in the position to know how the referendum is going to go. The Board is concerned for the actual storm district is not formed. If we gave you final site approval not subject to anything else so that you could turn a spade we are very much in error. We have to be sure that something is going to be done. There has to be a referendum. We have money - that is a start, that is a plus. Now we have other things that have to be done too.

Attorney Austria: Let me just say that contract spells that any approval we were to give tonight could be conditioned on a referendum's favorable result. In the event that there is not a favorable vote, then of course final approval is revoked.

Chairman Loscalzo: You couldn't put foundations in. We couldn't allow that.

Mr. Goldie: If we put a foundation in and it were turned down by the voters it is our exposure. We would have to stop.

Mr. Marks: Can we get a certificate of occupancy for the units?

Chairman Loscalzo: If we allowed you to put foundations in, you would have vested rights. Unless you want to write us up an agreement saying you will assume all responsibility.

Attorney Austria: Are you agreeing that if we granted final approval and if the people turned down the referendum you would abide by the condition.

Mr. Marks: I am saying I would have to stop. What I am asking for if I get final approval is I want to walk in there and put foundations up because if there is a Building Permit moratorium and I can't start the project. I am not afraid of the moratorium.

Attorney Austria: If a moratorium were past and you had final approval I don't think it would apply to you. What does the moratorium say?

Mr. Goldie: We need building permits for the moratorium not to apply.

Connelly Industry continued.

Mr. Dowd: What is a foundation?

Mr. Jones: A shovel in the ground.

Mr. Van Leeuwen: You could take us to court and say you had vested rights, if you had a foundation in.

Attorney Austria: What does moritorium say?

Chairman Loscalzo: Based on the fact that this Planning Board approved these plans and allowed you to put a foundation in we become responsible for those foundations unless you want to enter into another agreement saying - hold us harmless, no contest stop what you are doing.

Mr. Goldie: I thought that was what we were saying when we said if there was no referendum the thing was null and void, the agreement was null and void, the approval is null and void. It says in there your approval is subject to this agreement. It says it in there.

Chairman Loscalzo: We could make it that way yes.

Attorney Austria: The Board is concerned about not addressing themselves to whether or not the referendum goes through favorably or not. I think what they are saying if we go along on that and if subsequent to our action the referendum reaches an unfavorable result then would Connelly Industry be able to take us to court on the basis of their having acquired vested rights by putting up a foundation. I think what the Board is asking in the event we go through with this and in the event you are granted permission to put up foundations will you abide by the moritorium at that time?

Mr. Goldie: I think we are trying to say we will abide by any turn down of sewers or referendum but we don't want to be held back by a moritorium. That is what I think we are trying to say. Now how we can arrive at that between us? That is why we wanted foundations in. I don't think a referendum will be turned down. We are paying 49%. We are paying more than 49%.

Chairman Loscalzo: I would agreed you stand a good chance of making it but we can't tell.

Mr. Goldie: It is our gamble.

Chairman Loscalzo: We realize there has to be improvement in the area. We would like to see it accomplished.

Mr. Goldie: We don't want to lose a building season. If the referendum was approved and the moritorium went through. It just doesn't seem to set right.

Attorney Austria: Could I make a suggestion - Could the Board go into executive session?

Chairman Loscalzo: I will close this meeting for the Board to go into Executive session.

Connelly Industries Site Plan Continued

Chairman Loscalzo: I now reopen this meeting of the New Windsor Planning Board of March 13th, 1974.

Motion by Mr. Van Leeuwen seconded by Mr. Spignardo that the New Windsor Planning Board grant final approval to Connelly Industries Site Plan #74-7 located on Route 32 subject to the successful establishment of a storm water district in the area affected by the Town Board thru referendum and further that no change to the grounds of Connelly Industries be allowed until the actual construction of the storm drainage system commences. Also subject to the terms and conditions contained in the agreement between Connelly Industries and the Town of New Windsor dated 13 March, 1974 subject pertaining to monies deposited with the Town of New Windsor for storm drainage problem resolution.

Discussion

Mr. Marks: Can I get an interpretation from the Planning Board with respect to the fact that during the time between tonight and the ratification and implementation of a Public Referendum and assuming it is successful and a Building Permit moratorium in the Town of New Windsor is invoked, what is the effect upon this approval tonight? If it were to be voted through.

Chairman Loscalzo: I would think Connelly would be effected by the Moratorium.

Mr. Goldie: Excuse me, would be effected?

Chairman Loscalzo: Not being a lawyer, I would say it would unless there are exceptions to the law. If a moratorium is established a Town Law has to be passed. If there were exceptions in the law.

Attorney Austria: The question might be premature, assuming there is a successful outcome of the referendum and assuming still further that the Town begins construction of storm drainage project, well then of course is that correct that they will be entitled to have building permits issued or foundations?

Chairman Loscalzo: When the storm sewer district construction commences.

Attorney Austria: Right, if you were on the bulk of those guns prior to the Town moratorium getting passed then I would say you have acquired certain rights.

Mr. Marks: Mr. Austria, the reigns of control are really not within our power. It is within the Town Boards hands for implementing the storm sewer district and conducting the public referendum. We are caught in the middle. We have made our contribution. We are really caught in the middle in the event nothing takes place.

Mr. Spignardo: In actuality they have received their final approval already but the only thing it hinges on is the starting and completion of the storm drainage construction.

Connelly Industry continued.

Attorney Austria: It depends on wording of moritorium, if the moritorium says the only construction would be allowed would be those buildings that have received building permits well then of course you would be in, but if it reads the moritorium would not effect any building for which final approval has been granted you would have final approval assuming the referendum has successfully taken place. You would have vested rights as of that time.

Mr. Goldie: Why penalize us? If it is passed it is going to be implemented.

Mr. Van Leeuwen: You don't realize how bad that area is. I have not lived in that area but I have lived close to it. I know a lot of people who live in that area. Right now there are quite a few cellars flooded. If we have more water come in there we would be foolish. We would look like fools.

Mr. Goldie: Probably the work we are going to do if the referendum is passed would probably delay the water from coming down faster than it is coming now because of construction work we are doing. It has to be done with good construction practice.

Mr. Van Leeuwen: We don't have the people in this Town to keep inspections up. Mr. Collett can't do it. He needs an assistant now and he doesn't have one. I am very frank with you.

Mr. Argenio: For the amount of work he has he needs two (2) assistants.

Mr. Goldie: Is there a way this approval or can this Board go on record stating since the Board is in favor of this project assuming you gave us final approval that when a moritorium is effected which you people are asking for the moritorium you could explicitly exclude this project.

Mr. Argenio: Is that a possibility Joe, due to the fact they fulfilled their obligation to the Town and this is being held up thru no fault of their own? Again I am just putting out the idea.

Attorney Austria: The issue that Hank brought up is a valid one of course but then the possibility occurs that engineeringly speaking would there be something they would be able to do to create some kind of retention?

Mr. Goldie: Some kind of temporary retention. Certainly, I think while we are under construction and while we are putting in storm sewers ourselves, we could temporarily control the water ourselves.

Mr. Kessler: When do you intend to start construction?

Mr. Goldie: As soon as possible.

Mr. Kessler: Where do you intend to start?

Mr. Goldie: Route 32- work our way up.

Connelly Industry Site Plan Continued.

Mr. Kessler: That is the worst area.. That is where the retention basin would have to be.

Mr. Goldie: We could work from that area. I mean we would start there and try to retain water while working. We could put the retention particular. I agree with you, I don't know how long it will take the Town to start their work. Most Towns don't work that fast. Is it possible Mr. Austria that this Board could ask when asking for the moritorium that they could exclude the Commons at Windsor from the moritorium.

Mr. Argenio: Based on the fact they fulfilled their commitment to the Town. Attorney Austria: It is up to the Board. It depends on wording of the moritorium. It would be discriminating in favor of one.

Mr. Kessler: You don't have to say just one - you could say - Anyone who has final approval.

Attorney Austria: That is what I said before, it depends on wording of moritorium.

Mr. Goldie: There is a special condition involved in this one assuming the referendum is past.

Attorney Austria: I would like to check this.

Mr. Van Leeuwen: We should take them into consideration.

Mr. Argenio: What can be done Tony? Assuming that they could start work. The drainage does not exist, they have contributed monies.. It is up to the Town now to have the referendum, get approval, plans, and specifications out for bid. What can be done to keep these people open so the moritorium does not effect them once the drainage starts. If the drainage could be done in 3 or 4 months.

Attorney Austria: Just make the moritorium read that anyone who has final approval is excluded from the moritorium. They or anyone else.

Mr. Spignardo: That is the way it should be.

Mr. Van Leeuwen: That is the way I intended.

Mr. Goldie: How about the thing about us working the retention basin so we wouldn't have to wait to the starting if the referendum is passed. That could be more palatable to us. That and including the fact you would allow final approvals to be excluded from the moritorium. That way everyone is working toward one end. We would try to help the most we could. to get this approved. I think in this document the Town is saying they reserve the right to do this work with Town employees.

Mr. Argenio: Work through the retention basin. Then you are working. The thing is moving. The water will go through retaining basin. It would be held there and not out as fast. It will not add.

Connelly Industry Continued

Mr. Jones: The water from that property goes across the street. Where is it going to go?

Chairman Loscalzo: The water now goes down by Lady Mitizi's.

Mr. Van Leeuwen: Water will come down Parkway, and Leslie Ave.

Chairman Loscalzo: This is temporary.

Chairman Loscalzo: We have a motion on the floor. Would you like to change your motion or do you want it original.
Secretary to read motion.

Motion by Mr. Van Leeuwen seconded by Mr. Spignardo that the New Windsor Planning Board grant final approval to Connelly Industries Site Plan #74-7 located on Route 32 subject to the successful establishment of a storm water district in the area affected by the Town Board thru referendum and further that no change to the grounds of Connelly Industries be allowed until the actual construction of the storm drainage system commences. Also subject to the terms and conditions contained in the agreement between Connelly Industries and the Town of New Windsor dated 13 March, 1974 subject pertaining to monies deposited with the Town of New Windsor for storm drainage problem resolution.

Vote: Argenio: yes, Spignardo: yes, Van Leeuwen: yes, Jones: yes,
Dowd: yes, Loscalzo: no.

5-1 Motion carried.

Mr. Goldie: We appreciate what you have done but that type motion. We would just like you to understand how we feel.

Chairman Loscalzo: Motion is passed. You made no provision for the holding pond.

Mr. Marks: I know it is late but I would like the members of the Board to understand the fact that as my associate, Mr. Goldie has expressed we are just right under the gun with respect to this motion in the event something does occur impairing the availability that a developer can come in and be subject to a building moratorium we just could not continue with our proposal to the Town. We don't feel we want to place monies on deposit with the Town and be subject to perhaps two or three weeks from now or six weeks have a building moratorium that could conceivably go anywhere from six months to two years. I think what we have been subjected to is unfair.

Mr. Spignardo: I would like to say we should try to do everything in our power to see that this project is not effected by the moratorium. I would like to go on record as saying that.

Mr. Marks: Can't this be implemented in our approval? We came up and put up substantial some of money but I can't expose it to somebody saying we will give you consideration when you come back. I have to have something to hang my hat on. At that point I can say

Connelly Industry Continued

I can't take the chance.

Mr. Spignardo: If we pass a motion here tonight that they not be included in the moritorium. I would like to put that in a motion.

Chairman Loscalzo: You can do that.

Attorney Austria: I don't think we would be able to uphold any moritorium that gave them more favorable consideration than any other applicant.

Mr. Spignardo: Let's make a blanket request that anyone that has received final approval which he has prior to moritorium shouldn't be stopped.

Mr. Marks: All I am asking is that it be implemented into the motion and approval that we not be subjected to a moritorium when and if ever.

Mr. Argenio: Can't we implement it in there?

Attorney Austria: It is not within our power. It is up to the Town Board. We can just request. It is up to the Town Board.

Mr. Argenio: Can we make a request to the Town? If a recommendation was put to the Town and it was approved could you come to the next Planning Board meeting with a revised map cutting out one section showing the retention basin.

Mr. Goldie: Absolutely, sure.

Mr. Argenio: That is my suggestion, it is up to the Board. What would you think about Bernie?

Attorney Austria: Are you going to recind your motion now? Did you all understand the motion?

Mr. Argenio: What do you have to say on that what I said Joe as the Chairman?

Chairman Loscalzo: I voted against the motion because I am in favor of the retention pond.

Mr. Argenio: I am in favor of that to, but I had to vote the way I did because there was nothing better there to go after.

Attorney Austria: You could have voted down.

Chairman Loscalzo: Does everyone understand the motion. Does everyone understand there was a choice between that motion and one that would have said retention basin.

Mr. Van Leeuwen: How does the Board feel about the retention basin?

Mr. Dowd: Would the retention basin start before or after the referendum is passed?

Chairman Loscalzo: After, nothing starts until after referendum.

Connelly Industry Continued

Mr. Van Leeuwen: Tippy, how do you feel about it?

Mr. Argenio: Do you feel the retention pond is in the best interest of the Town.

Mr. Jones: Yes

Mr. Argenio: I feel that way too.

Mr. Van Leeuwen: After the referendum has been passed (approved) they can put retention basin in. A retention basin until such time we have the storm drainage. If they can come up with adequate plans for the next meeting of the retention basin.

Mr. Goldie: I would like to get together with Bernie to make sure it is properly done.

Chairman Loscalzo: Everyone has to vote to retract the motion previously made.

Motion by Mr. Van Leeuwen seconded by Mr. Argenio that the New Windsor Planning Board retract previous motion made and passed with reference to Connelly Industries. Vote: all ayes, Motion carried.

Motion made by Mr. Van Leeuwen seconded by Mr. Argenio that the New Windsor Planning Board grant final approval to Connelly Industries #74-7 Site Plan, located on Route 32 subject to the successful establishment of a storm water district in the area affected by the Town Board thru referendum and further that no change to the grounds of Connelley Industries be allowed until the actual construction of the storm drainage system commences or until such time as a temporary retention basin is constructed in accordance with plans and specifications approved by Planning Board Engineer Bernard Kessler or which ever occurs first. Also subject to the terms and conditions contained in the agreement between Connelly Industries and the Town of New Windsor dated 13 March 1974 subject pertaining to monies deposited with the Town of New Windsor for storm drainage problem resolution. Vote: All ayes, Motion carried.

Mr. Van Leeuwen: Can I ask you something? Who are the principles in the Corporation?

Mr. Marks: Mr. Donald Boehm, Mr. Gerald Goldie and myself, Mr. Morton Marks.

Mr. Marks: May I ask one final request. It relates back to the previous discussion. If I could request the Planning Board send a letter to the Town Board requesting when and if a moratorium was to be enacted that exception be granted to any products that have received final site approval.

Mr. Spignardo: That is fair.

Chairman Loscalzo: I think we should discuss that.

Connelly Industries continued

Mr. Goldie: Do you stamp the plans, how do you do this?

Chairman Loscalzo: We need some money.

Mr. Sanford Schiefer; I am Engineer for the project. The motion as presented has an alternative. They can wait until storm water system is in, which is a negotiation they have with the Town, Town Engineer or contractor who would be installing it. We are going to meet with Mr. Kessler within the next week or two so Mr. Goldie tells me to get approved drawings however subject to all of the things you have said.

Chairman Loscalzo: The Inspection fee is 4% of estimated construction. Everything underground is your responsibility ever. We inspect. You will probably put a single water meter and distribute. We don't want to be responsible for digging up your streets. There is a \$100.00 site plan fee.

Mr. Goldie: We have been talking to the water people. We could do it that way or with individuals.

Mr. Marks: May I have a recap of those fees?

Chairman Loscalzo: \$100.00 Site Plan fee, 4% inspection fee. \$25.00 a dwelling unit. We will clarify the inspection fee. The magnitude of this project. What do you figure this will cost?

Mr. Goldie: Four or five million maybe six. Even the FHA doesn't get that.

Mr. Schefer: Are you talking about the road or inspection for building cost. This doesn't represent building construction permit fee.

#7 On the Agenda

CORRESPONDENCE

Hearing no objections a letter dated February 20, 1974 from the Zoning Board of Appeals with reference to a Public Hearing to be held on March 4, 1974 at 8:00 P.M. re: Application for Variance-Parkdale Estates, was recorded received and filed.

Hearing no objections a letter dated February 27, 1974 from the Offices of The Undersigned with reference to Barclay Farms S/D and to the subject of closing off Sunrise Terrace, Jay Street and possibly closing Jay Street was recorded received and filed.
Action on this was tabled.

Hearing no objections a letter dated February 28, 1974 from Farview Hmes Inc. with reference to Toleman Estates Stage II and requesting to be placed on the next agenda or as soon as possible. This was recorded received and filed.
No action taken.

Correspondence continued.

Hearing no objections a report dated March 5, 1974 from the Building Inspector Howard Collett listing building permits issued for the month of February was recorded received and filed.

Hearing no objections a letter dated March 7, 1974 from Anthony Corkill of Carl Mays, Corkill and Sheddon Inc. with reference to the Sigma Group Property and being placed on the March Agenda was recorded received and filed.

Hearing no objections a copy of a letter dated March 1, 1974 to Attorney Austria from Attorney Loeb requesting Okuyra be placed on the agenda was recorded received and filed.
Secretary to notify Mr. Loeb that Okuyra will be on the March 27th Agenda. Hearing no objections, so ordered.

#8 on the Agenda

Minutes

Motion by Mr Van Leeuwen seconded by Mr. Argenio that the New Windsor Planning Board accept the minutes of February 28, 1974 as read.
Vote all ayes, Motion carried.

Motion by Mr. Jones seconded by Mr. Argenio that the New Windsor Planning Board send a letter to the Town Board asking them to formulate guidelines for the inspection of mobile home parks by this Board.
Vote: All ayes, Motion carried.
Secretary to send letter.

#9 On the Agenda:

Adjournment

Motion by Mr. Van Leeuwen seconded by Mr. Spignardo that the New Windsor Planning Board adjourn the March 13, 1974 meeting. Vote All ayes,
Motion carried. Meeting adjourned.

Respectfully Submitted,

Shirley B. Hassdenteufel

SHIRLEY B. HASSDENTEUFEL
Recording Secretary

NEW WINDSOR PLANNING BOARD MEETING
TOWN HALL
WED., JUNE 22, 1977 8:00 P.M.

BOARD MEMBERS PRESENT: CHAIRMAN HENRY VAN LEEUWEN, LAWRENCE JONES,
JOSEPH LOSCALZO, ERNEST SPIGNARDO,
ALBERT ARGENIO AND JOSEPH CIMORELLI.

BOARD MEMBERS ABSENT: THOMAS DOWD.

OTHERS PRESENT: PAUL CUOMO, TOWN ENGINEER
PHILIP CROTTY JR., TOWN ATTORNEY
HOWARD COLLETT, BLDG. & ZONING INSPECTOR
SHIRLEY B. HASSDENTEUFEL, RECORDING SECRETARY.

TAPE NO. 135 and 136

Chairman Van Leeuwen called the meeting to order at 8:00 P.M.

#1 on the Agenda

FRANK PURDY JR. FEES

Chairman Van Leeuwen asked the Secretary to give Mr. Purdy a receipt for \$100.00 (cash) for preliminary plat approval. Hearing no objections, so ordered.

#2 on the Agenda - Connelly Industry

Chairman Van Leeuwen: Gentlemen, do we make a decision tonight on Connelly Industry?

Vote- Cimorelli - yes, Jones-no, Loscalzo-yes, Argenio- yes, and Spignardo-yes.

Chairman Van Leeuwen: Do any of the Board members have anything to say?

Mr. Loscalzo: The day after the meeting, (Thursday) we had rain. I went tramping down along the property. I understand it rained about four (4) hours, $\frac{1}{2}$ inch of water. The amount of water that was running to go into the three (3) catch basins was very little. The amount of water that was running down stream was very small. What we are saying here is that your holding ponds are not going to increase the amount of water that is going across. I am forced not to believe it from what I saw. If you are going to have a six (6) inch pipe that is running water out of the holding ponds. You are going to have two (2). One (1) on one end and one (1) on the other. You are going to be putting at least twelve (12) inches of water going across the road because ponds will be high enough to fill the pipes for water exit across the road. All I am concerned about is that you don't cause more problems down stream than we already had. I don't believe the current plan satisfies that requirement.

Chairman Van Leeuwen: I spoke to the Supervisor and he said

we received \$88,000, Paul am I correct?
Paul are we going to get it?

Mr. Cuomo: For labor. We are going from Birchwood Drive, Hudson Drive to Warmers property. We are going to fix Birchwood. July 18, 1977 we start the digging.

Chairman Van Leeuwen: Parkway to Warmers is the worst. With Connelly Industries \$100,000? Let's talk that situation.

Mr. Cuomo: The \$100,000 and they would put in positive drainage. The money (\$100,000) could be spent and possibly we may not stop the drainage problem when you dig holes in the ground you eat up money. I would rather have the flood control devise.

Mr. Bohem: The system is designed to retain the water. It is designed for a fifty (50) year storm. The system picks up the water from the property behind us. This is a flood control system. Not catch basins. It is taking the highest part of that drainage basin and cutting it off from the balance of the area that is having a problem. The Town Engineer required a fifty (50) year storm study and that is what we gave him.. You are almost three (3) times larger.

Mr. Jones: You stated that you are going to have a series of catch basins on your roads.

Mr. Bohem: That is correct.

Mr. Jones: Where do they go?

Mr. Bohem: Back in storm retention system.

Mr. Jones: You are going to put black top down? You are going to put shingles on? All that water is going to stay there and run off.

Mr. Bohem: This is a flood control system.

Mr. Cuomo: The principles used here are flood control structures in other parts of the Country. I didn't mean we are going to have a flood storm drainage control system.

Mr. Bohem: The principle here is the flood control. It is a storm drainage system.

Mr. Jones: As far as you are concerned you assume everything is adequate.

Mr. Bohem: That is correct.

Mr. Jones: Would you sign an instrument in writing that you would be responsible for any damage coming from that property to the lower part of the Town.

Mr. Bohem: I can't be responsible for an act of God.

Mr. Jones: I am not talking about God, you are suppose to be able to take care of water coming off that property. You are creating it, not God. I asked that question for one reason. If you were at the other end, I would fight for you. I would fight to protect you just as much as those people down there. I feel those people deserve consideration because they have been getting flooded out for years plus to let someone come in and put more water on them. I won't go by that. If you can put something in writing. You think your system is adequate. Will you put something in writing that your company is responsible for damage that your water does down stream, then it is not a bad thing but I know you won't.

Mr. Spignardo: Who is responsible for the water coming from Epiphany College?

Mr. Bohem: ~~Mr. Bohem~~ has continued to say that he will contain the water.

Mr. Cuomo explained drainage on the map.

Atty. Crotty: We could get a bond just for the drainage, that would insure for a period of two (2) years that the drainage system which they represent as doing x will do x.

Mr. Loscalzo: Let's discuss it.

Mr. Argenio: One year of eighteen months ago Connelly put up \$100,000. I don't know where it came from. No other developer ever offered anything like this before. The Town held it for seven (7) months. The questions asked tonight are the same questions as the ones asked two (2) weeks ago. Mr. Bohem has bent over backwards. The Engineer, Mr. Cuomo says his plan is okay..

Mr. Loscalzo: I want to be convinced before you get my vote.

Atty. Crotty: You might consider a Bond.

Mr. Cimorelli: Paul, did you ever see any of these things work?

Mr. Cuomo: Yes. I designed one at New Paltz College. If you would like to see it, there is one in New Paltz at the College.

Mr. Argenio: Will this work? Is that your opinion as a Professional Engineer?

Mr. Cuomo: Yes, if constructed according to the plan.

Mr. Cimorelli: I think we should take our Engineer's word. He is the Professional Engineer.

Mr. Jones: If he were down stream I would protect him too.

Mr. Argenio: If Mr. Cuomo says it will work I have to take his word. I am not an Engineer.

Mr. Jones: I want a guarantee that the water won't hurt the people downstream.

Mr. Argenio: I have to take our Engineer's word, the same as the Town Attorney.

Mr. Spignardo: Let's get the Attorney's advice.

Atty. Crotty: The best guarantee is a bond that the plans which the Town Engineer said will work and their own Engineer, who is a Professional, who has staked his reputation.

Mr. Cuomo: You have to get a Performance Bond to guarantee it will be built the right way. I guarantee as a Professional.

Chairman Van Leeuwen: I say you should get a 5 to 10 year Bond.

Atty. Crotty: You can't get a five (5) year Bond.

Mr. Cimorelli: You can get a two (2) year Bond.

Mr. Bohem: We want the certification of our Engineer too. We are paying his fees for this. Before they put their stamp on, they make sure it is correct.

Chairman Van Leeuwen: I am not an Engineer but I used to be a builder and I know how they work. What if the pond plugs up?

Mr. Spignardo: What happens with the silt build up?

Mr. Cimorelli: Let Paul answer.

Mr. Cuomo: I had a Colleague of mine in my office today. We were talking about the long basin. That was the idea of the long thin basin. In 5-10 years there could be a silt build up. The Homeowners would have to maintain it.

Mr. Jones: In a period of five (5) years silt builds up.

Mr. Bohem: The Homeowners Association is supposed to continue long after we are gone. They must maintain it. It is set up by the Attorney General's Office.

Mr. Loscalzo: I would be convinced if someone could tell me that this is x number of gallons of water caused by current by one (1) inch of rainfall. X number of gallons of rainfall going across into the lower streams, so that 5 years from now we can compare what is going across there now with what is going across there then, to establish somebody's liability of what's there. If you are less than what is going across there now

it certainly would never be your liability.

Mr. Bohem: These are computations. I will have to go back to my Engineer and Paul that you will get less.

Mr. Loscalzo: All this tells is how much you are going to collect in a 50 year storm.

Motion by Mr. Argenio seconded by Mr. Cimorelli that the Planning Board of the Town of New Windsor adopt the following resolution of Connelly Industries, Inc. for site plan approval for a development known as "The Commons at Windsor", as follows:

The the Town Planning Board of the Town of New Windsor approve the site plan of "The Commons at Windsor" dated November 11/12/73 and revised, subject to:

1. The acceptance of the Attorney General's Office, Department of Law, State of New York of the application of a Homeowner's Association to be filed under the Condominium Law of the State of New York.

2. Performance Bond in \$_____ and cash bond in amount of \$_____ to assure that flood control system operates as engineered, and other amenities under Section 48-19 (11) of the New Windsor Town Code, said bonds to be effective for a three (3) year period. (Paul Cuomo to furnish figures).

3. A statement in the prospectus to be filed in connection with paragraph "1" above stating that the homeowners association will maintain and care for the flood control/drainage system.

Vote- Spignardo-yes, Cimorelli-yes, Argenio-yes, Jones-no, Loscalzo-no, Van Leeuwen-no.

Mr. Bohem: We have a deadlock. Now what?

Chairman Van Leeuwen: I want the downstream problems taken care of first. To relieve the problems that are there now. By putting in larger pipes.

Mr. Cuomo: We are going half way. Let me explain the program..

Mr. Cuomo explained the drainage program that will start in July.

Let me advise you.

Mr. Argenio: The vote is 3 to 3. I suggest we give it to Mr. Crotty. We are at an impass. It is done now. There shouldn't be any further discussion.

Atty. Crotty: Whatever you want to do, unless you want to wait for the other Board member.

#3 on the Agenda

Hugo Giammarco 3 lot subdivision
Located on Oxford Road
Represented by Mr. Giammarco and Mr. John Doyle

Mr. Giammarco: I would like to subdivide 3 lots.
(explained lots and area to the Board)

Mr. Cimorelli: Were these lots once owned by Mr. Fernandez.

Mr. Giammarco: Yes, I bought them 15 years ago.

Chairman Van Leeuwen: Is everything allright Paul?

Mr. Cuomo: I would not want to see a house built before
the drainage is taken care of.

(Cross talk. More than one conversation at one time.
Couldn't take any conversation from tape) *Page 156*

Mr. Spignardo: Try your luck, they might take your word for it.

Chairman Van Leeuwen: Paul says everything is all right
except some drainage to iron out with Hugo.

Mr. Giammarco: I put a lot of fill in there and they are
good size lots.

Atty. Crotty: Do you need a drainage easement, Paul?

Mr. Cuomo: Yes.

Chairman Van Leeuwen: Do you have water and sewer?

Mr. Giammarco: Yes, it was put in last year.

Motion by Mr. Argenio seconded by Mr. Jones that the
PLanning Board of the Town of New Windsor approve the 3 lot
subdivision of Hugo Giammarco located on Oxford Road subject
to drainage easements as required. The fee to be \$25.00
subdivision and \$300.00 for recreation fee. Vote- All
ayes, Motion carried.
Fee No Paid.

Mr. Giammarco to pay fee to secretary on June 23, 1977
Hearing no objections, so ordered.

#4 on the Agenda

HUNTER RIDGE SUBDIVISION
LOCATED ON MT. AIRY ROAD
REPRESENTED BY DONALD FULLAM

Chairman Van Leeuwen: The roads are now shown going into Mt. Airy.

Mr. Fullam: Yes, I have shown a 50 ft. easement. At anytime they can be opened up.
The big problem was the parkland.

Mr. Jones: We want money in lieu of parkland.

Atty. Crotty: The Board can at their discession require money.

Mr. Spignardo: In the past we always went to Tippy when the question of parkland came up. Who do we go to now?

Chairman Van Leeuwen: The Town Board.

Mr. Jones: When I reported it to the Youth and Recreation at that time they wanted money.
I don't represent the Youth and Recreation anymore.

Mr. Fullam: We went out and looked at the property.

Mr. Cuomo. Mr. Van Leeuwen and myself.

The area around the pump station is low. Our intention is to fill it up to make it above Mt. Airy Road.
If we fill in on each side we will not leave a hole on Mt. Airy.
This is a rough sketch.

Chairman Van Leeuwen: We will require lots in this area (pointing to the map) filled in.

Mr. Cimorelli: How much fill are you putting in?

Mr. Fullam: Whatever is necessary. If suitable for houses or how about a recreation area?

Chairman Van Leeuwen: No, it is too close to the road. It is too small.

Mr. Fullam: The recreation fee os \$250.00 per lot - \$20,000 recreation fee. What is required, 2 acres for 25 lots?

Atty. Crotty: 10% if we were to take land. The Board wants the money.

Mr. Fullam: I was asked at the last meeting to give a 25 ft. drainage easement for maintenance for a drainage course.
What about parkland as a subject too?

Chairman Van Leeuwen: We have to go to preliminary approval first.

Mr. Jones: I was told before the last Youth and Recreation Meeting they did not want parkland. They wanted money.

Motion by Mr. Jones seconded by Mr. Spignardo that the Planning Board of the Town of New Windsor grant conceptual approval to Hunter Ridge Subdivision subject to:

1. 1.42 acres in the South East corner must be left open for wild life.
2. A six (6) foot high fence be put around the pump station.

\$100.00 fee. Vote- All ayes, Motion carried.

Fee paid

#5 on the Agenda

Big V Plaza Site Plan
Vails Gate
Represented by Mr. Peter Barbone.

Chairman Van Leeuwen: Did you look at this Paul?

Mr. Cuomo: Yes, there is a drainage problem.

Mr. Barbone: This is the last area that Mr. Rosenberg can build on. Mr. Cuomo has reviewed the plans.

Mr. Argenio: You need a variance for your property. For every six inches of height on a building you must be one (1) ft. off the property line. You need 28 ft.

Mr. Cuomo: The drainage will be in a boxed in culvert.

Chairman Van Leeuwen: We requested Mr. Rosenberg about one (1) year ago to make his parking lot for fire lane.

Mr. Barbone: I will bring it to his attention.

#6. on the Agenda

Photo Service -
Represented by Nelson Pothauser
Location - Squire Village Shopping Center Parking lot

Mr. Pothauser: I only have one map. This is a portable building.

Chairman Van Leeuwen: You need seven (7) copies.

Mr. Jones: We are going to have booths all over this Town. They are portable.

Mr. Cimorelli: We should have seven (7) copies of this.

Mr. Pothauser: E will explain the map to you.
They are 60 ft. from the road. - 100 ft. from the road.
(Showed and explained on the map)

Mr. Spignardo: How large are they?

Mr. Pothauser: 4x8.

Mr. Loscalzo: It could go but it should be a permanent building if it goes up. I don't go for these portable buildings.

Mr. Pothauser: We can put a foundation under it or not.

Chairman Van Leeuwen: I think we should just stick to one.

Mr. Jones: I agree.

Motion by Mr. Jones seconded by Mr. Cimorelli that the Planning Board of the Town of New Windsor approve the Photo Serv Site Plan located at the Squire Village Shopping Parking Lot. Vote- All naves, Motion denied.

Mr. Donald Bohem asked to speak again to the Board.

Mr. Bohem: Can the Board poll your other member?
I spoke with him and he said he would give you his vote over the telephone.

Chairman Van Leeuwen: No, we can't do that.
I suggest you let it lay till the next meeting.

Mr. Spignardo: I want a vote of all members.

Mr. Argenio: I don't want to discuss it again.

Mr. Bohem: Where do we go from here?

Atty. Crotty: He is asking for a poll. He can ask for a revote.
After Mr. Dowd has read the transcript of this meeting you can ask for a vote.

Mr. Argenio: We covered every inch of ground at the Public Hearing. Mr. Dowd was at the Public Hearing.

Mr. Loscalzo: I talked tonight and not at the Public Hearing.
All I want is certification that the system you have that there is no additional water downstream.

Chairman Van Leeuwen: We are taking care of one segment.

Mr. Bohem: Where do I start?

Chairman Van Leeuwen: We will place you on the next agenda for a vote- July 13th.

Mr. Spignardo: I want the entire Board here for a Vote on July 13th.

Mr. Argenio: I don't want to discuss it, we have beaten it too death.

Atty.. Crotty: He is asking for a revote.

Mr. Bohem: I asked if you would pole the absent member.

Atty. Crotty: If we take a telephone vote someone could challenge it.

Mr. Jones: I would.

CORRESPONDENCE

Hearing no objections a notification from County of Orange County Clerk's Office dated June 15, 1977 stating the Subdivision Plan for Survey of Property for George Greb (2Maps) dated April 1, 1977 and approved June 8, 1977 was filed with the County Clerk's office on June 9, 1977 as Map #4140 and 4141 in Pocket 15 Folder A.
This was recorded received and filed.

Hearing no objections a letter dated June 7, 1977 from ZBA Secretary re: a Public Hearing to be held on June 13, 1977 at 8:00 P.M. in the matter of an application of a Use Variance of Sky Top Used Auto was recorded received and filed.

Hearing no objections a copy of a letter dated June 15, 1977 to Southgate Village Company re: Application of an Area Variance and Special Use Variance confirming that the variances were granted on Monday, June 13, 1977. Also as part of the approval, the Planning Board of the Town of New Windsor should now be contacted for compliance with the parking regulations in this area was recorded received and filed.

7 Hearing no objections a copy of a letter dated June 22, 1977 to Stephen Reineke, Esquire re: Southgate Village Company stating the approval supersedes the previous denial of May 23, 1977 on the grounds that there were not enough members of the full board present at the previous meeting to effectuate a vote which would have any validity and that the majority of the Board would have had to vote on this matter was recorded received and filed.

Motion by Mr Loscalzo seconded by Mr. Argenio that the Planning Board of the Town of New Windsor send a letter to the ZBA asking them to reconsider their position re: South Gate Village, since the buildings were built in error. Vote- All ayes, Motion approved.

Chairman Van Leeuwen: Shirley call me tomorrow re: letter.
Hearing no objections, so ordered.

Minutes

Motion by Mr. Jones seconded by Mr. Spignardo that the Planning Board of the Town of New Windsor approve the minutes of the June 8, 1977 meeting as read. Vote- all ayes, Motion carried. Minutes approved.

Chairman Van Leeuwen: If there is no further business to come before this Board I will entertain a motion to adjourn.

Motion by Mr. Argenio seconded by Mr. Spignardo that the Planning Board of the Town of New Windsor adjourn the June 22, 1977 meeting. Vote- All ayes, Meeting adjourned.

Meeting Adjourned 11:10 P.M.

Respectfully submitted,

Shirley B. Hassdenteufel

SHIRLEY B. HASSDENTEUFEL
Recording Secretary

#2 on the Agenda:

CONNELLY INDUSTRY SITE PLAN # 77-22
Located on Route 32
Represented by Mr. Donald Bohem

Chairman Van Leeuwen: Tom Dowd is unable to come this evening.
I spoke with him. He is ill.
We have to make a decision.
I don't want any lengthy discussion.
Mr. Maharay is here tonight to say something also.

Mr. Spignardo: You can't use State drainage according to that letter.

Mr. Bohem: We met with the State today. Your Engineer, our Engineer, and myself. They will accept. They don't want any additional water.

Mr. Jones: Would the Secretary please read the letter from the State Department of Transportation.

Mr. Cuomo: We met with the State today.
That letter was for a previous plan. He is going to send a new letter. They have accepted it.

Chairman Van Leeuwen: Mr. Maharay is here tonight. He has some complaints. We did have a Public Hearing. Do we want to go into this again tonight? We would have to open the hearings up again.

Mr. Jones: What does Phil say?

Atty. Crotty: I have spoken with Mr. Maharay today on this matter. I know what it is about. There are two matters. One (1) on legality of whether it is a subdivision or a site plan. Two (2) agreement between Town of New Windsor and various water and sewer districts. The second part on agreement with water and sewer districts is included in the resolution that I sent each of you. In 1973 Mr. Austria rendered an opinion that this be considered a site plan (August 29, 1973). I tend to agree with him. I don't think you should open the Public Hearing and start from scratch.

Mr. Argenio: Does the legal matter concern the Board?

Atty. Crotty: If we take fresh input on this point we are opening the Public Hearing.
I think you can have this noted on the record that there is a letter from Mr. Maharay.

Chairman Van Leeuwen: There is a cemetery.

Mr. Bohem: Right. The Homeowners will maintain it.

Motion by Mr. Spignardo seconded by Mr. Jones that the Planning Board of the Town of New Windsor open the meeting to hear Mr. Maharay.

Vote- Cimorelli-yes, Loscalzo-yes, Argenio-no, Jones-yes, Spignardo-no, Van Leeuwen- no.

Atty. Crotty- It can be noted on the record that Mr. Maharay tendered a letter and I accepted it.

Mr. Argenio: I have to take the advise of our legal council.

Atty. Crotty: Mr. Maharay can give me this letter.

Chairman Van Leeuwen: Do you wish to take a vote on this tonight?

Mr. Loscalzo: Mr. Argenio said last week we wouldn't have any discussion.

Mr. Argenio: No one is going to change their minds.

Chairman Van Leeuwen: I voted the way I did for I thought there might be a way to have the money also for the drainage.

Mr. Cuomo: Their drainage doesn't even go where we are working now. (explained drainage on the map where the Town is working.)

Motion by Mr. Argenio seconded by Mr. Spignardo that the Planning Board of the Town of New Windsor revote on Connolly Industry tonight.

Vote- Cimorelli-yes, Loscalzo-no, Spignardo-yes, Jones-no, Argenio-yes, Van Leeuwen-obstain.

Mr. Loscalzo: I think it would be a better project for Connolly Industry and Mr. Bohem if money could be allocated for a drainage system.

Mr. Argenio: Mr. Bohem put up \$10,000 to the Town. They kept his money. Nothing was done. He was willing. Nothing was done. He did put up the money.

Chairman Van Leeuwen: Tom would probably be able to make it here in two (2) weeks. Would you come up then for another vote?

BOARD- NO.

Mr. Loscalzo: Two weeks ago we had a vote. It was a deadlock.

Mr. Jones: The one before was approved for your old development.

Mr. Bohem: With subject too's.
Discussion followed.

Mr. Cuomo: The State reviewed this with us today.

Motion by Mr. Argenio seconded by Mr. Spignardo that the Planning Board of the Town of New Windsor take a revote on Connelly Industry Site Pl. Vote- Jones- no, Cimorelli- yes, Loscalzo-yes, Spignardo-yes, Argenio-yes, Van Leeuwen-obstain.

Mr. Cuomo: Would you like me to show you on the black board about the flood control.

Mr. Cuomo explained in detail flood control, and showed it on the blackboard.

Motion by Mr. Argenio seconded by Mr. Cimorelli that the Planning Board of the Town of New Windsor approve the site plan of "The Commons at Windsor" dated 11/12/73 and revised, subject to:

1. The acceptance of the Attorney General's Office, Department of Law, State of New York of the application of a Homeowner's Association to be filed under the Condominium Law of the State of New York,
2. Performance Bond in amount to be determined by the Town Engineer and Town Board to assure that flood control system is built as engineered, and other amenities under Section 48-19 (11) of the New Windsor Town Code, said bonds to be effective for a three (3) year period.
3. A statement in the prospectus to be filed in connection with paragraph "1" above stating that the homeowners association will maintain care for the flood control/drainage system.
4. Agreements with the Town of New Windsor for sewer and water services.
5. Three (3) variable flow Wiers being shown on the map.
6. New York State Department of Transportation and Orange County approval.

Vote- Cimorelli-yes, Argenio-yes, Loscalzo-yes, Spignardo-yes, Jones-no, Van Leeuwen-yes. 5 yes, 1 no.

Motion carried.

MEMORANDUM

*received April 2
Planning Board
SH.*

TO: New Windsor Planning Board
FROM: Town Fire Inspector
DATE: 29 July 1977
SUBJECT: The Commons of Windsor

A meeting of the New Windsor Fire Prevention Bureau was held on the 26 of July 1977, at which time the aforementioned site plan was rejected for the following reasons.

- 1- Three (3) dead end mains exist. (Circled in red on plan)

Section 21-10; paragraph D; of the Town Code states: "Water main lines must loop into the water system and dead-end mains are prohibited."

- 2- The water main does not loop back into the system.

Item number two (2) is defined above also. The purpose of a water main looping back into the system is as follows. Lets say a break in the water main line occurs at the sleeve crossing Route 32. (see sketch) How are the residents of this area going to get water for household use, or how are fire fighting forces going to get water should a fire occur. With a loop system there are two (2) feeds to the neighborhood. When the main is looped back into the system, it is very unlikely that a break would occur in two (2) different locations at the same time.

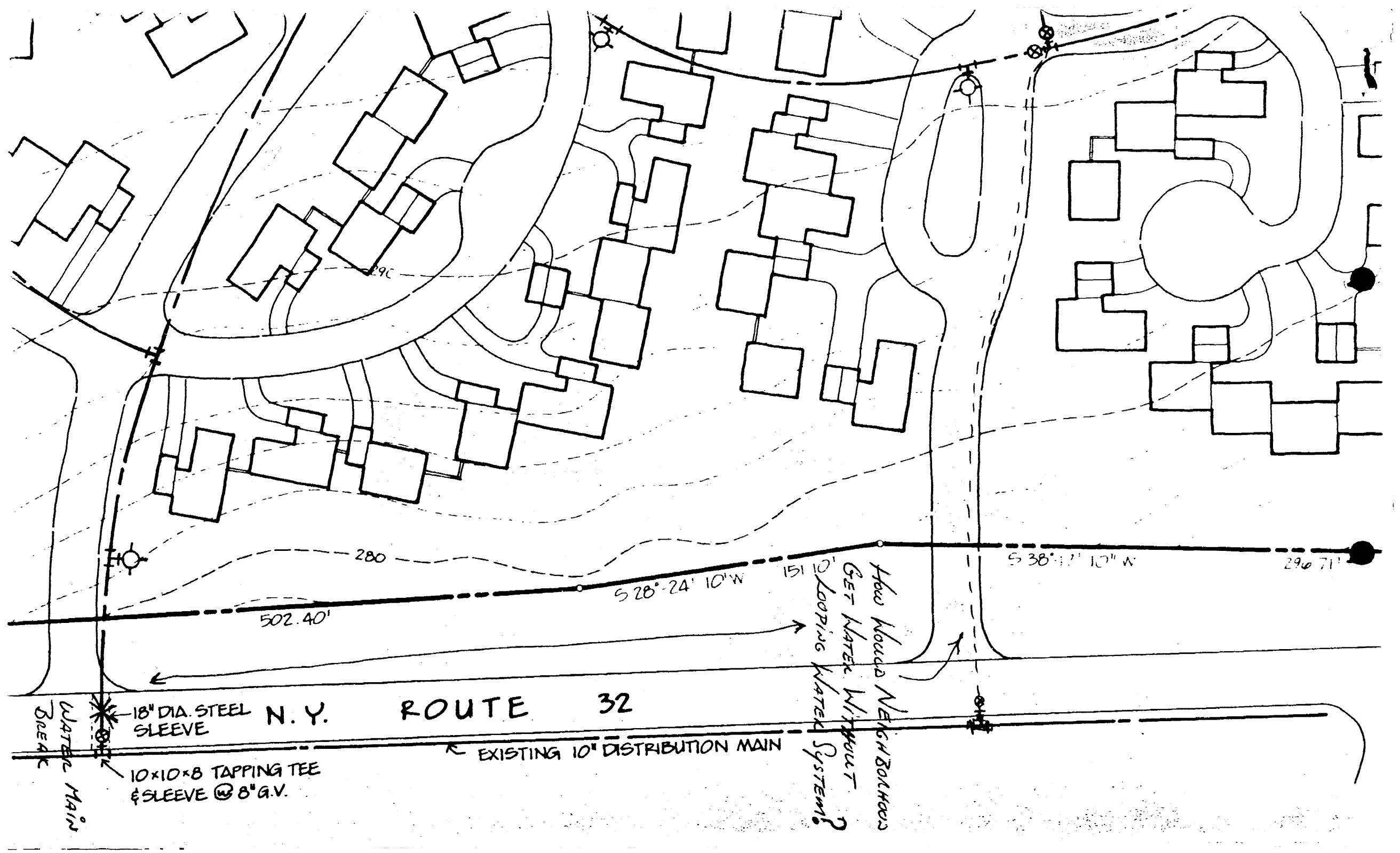
- 3- Shrubbery may not be placed within fifteen (15) feet above or to either side of a fire hydrant.

Section 21-10; paragraph E; of the Town Code states; "Emplacement or maintenance of material or objects, including trees, bushes, flowers, shrubbery, rubbish, garbage cans, mailboxes or guardrails which hamper fire-fighting operations, is prohibited within fifteen (15) feet above or to either side of a fire hydrant."

If I can be of any further assistance, please feel free to call on me.

Respectfully,

Robert F. Rodgers
Robert F. Rodgers



WATER MAIN
BREAK

18" DIA. STEEL SLEEVE

10x10x8 TAPPING TEE & SLEEVE @ 8" G.V.

N.Y. ROUTE 32

EXISTING 10" DISTRIBUTION MAIN

502.40'

S 28°-24' 10" W

151.10'

How Would N.Y. BORERS
GET WATER WITHOUT
Looping Water System?

S 38°-17' 10" W

296.71'



1763

~~Chief~~

~~John McCann~~

~~Deputy Chiefs~~

~~George Babcock~~

~~Thomas Gorton~~

~~Edward Kinwan~~

~~Michael Popowick~~

~~Robert Welsh~~

~~Sidney Weinheim~~

BUREAU OF FIRE PREVENTION

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

August 5, 1977

New Windsor Planning Board
555 Union Ave
New Windsor, N. Y.

Gentlemen:

At a recent meeting of the New Windsor Bureau of Fire Prevention, the site plans for "The Commons in Windsor" were not approved. The reasons for not approving them are as follows:

Section 21.10 Paragraph D

Water main lines must loop into the water system and dead-end mains are prohibited.

Section 21.10 Paragraph E

Emplacement or maintenance of material or objects, including trees, bushes, flowers, shrubbery, rubbish, garbage cans, mailboxes or guard rails which hamper fire fighting operations, is prohibited within fifteen (15) feet above or to either side of a fire hydrant.

Both of the above sections are in the Fire Prevention ordinance of the Town of New Windsor.

Sincerely yours

John McCann
John McCann
Chairman

SCOTT & SCHECHTMAN

Attorneys at Law

H. MORTON SCOTT
STEVEN I. SCHECHTMAN

189 GRAND STREET *Newburgh, New York 12550* (914) 565-5252
16 COURT STREET *Brooklyn, New York 11201* (212) 624-1184

May 19, 1977

Shirley B. Hassdenteufel
Planning Board
555 Union Avenue
New Windsor, New York 12550

Re: Windsor Properties Corp.

Dear Mrs. Hassdenteufel:

I am enclosing herewith Public Notice of Hearing before the Planning Board on the application of Windsor Properties Corp.

In accordance with our telephone conversation of this date, I have inserted the hearing date for June 8, 1977.

If there are any questions, please do not hesitate to call me.

Very truly yours,

H. M. Scott

H. MORTON SCOTT

HMS/rab
Enclosures



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

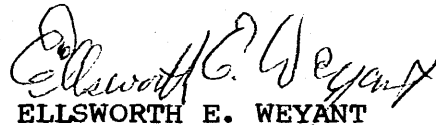
Maharay, Arthur O.
RD#4 Windsor Highway
New Windsor, N.Y. 12550

Epiphany College
P.O. Box 4334
Newburgh, New York 12550

Eggleston, Henry W. & Anne S.
238 Windsor Highway
New Windsor, N.Y. 12550

Respectfully submitted,

Schmitt, Lena
3047 29th Street
Astoria, New York


ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

Manthey, Frank A. & Josephine
205 Windsor Highway
New Windsor, N.Y. 12550



91 green street • huntington • long island, n.y. 11743 516-549-4744

land design associates

landscape architects • land planners

March 23, 1977

Town of New Windsor Planning Board
New Windsor, New York

SUBJECT: CONNELLY INDUSTRIES, INC.
THE COMMONS @ NEW WINDSOR
DRAINAGE CALCULATIONS

Gentlemen:

The revision of the marketing concept that my office has undertaken necessitated a certain modification to the storm sewer concept. It became necessary to re-calculate and re-layout a certain portion of the main collection system.

Both the building and pavement coverage in the new marketing concept are less than the original plan which was prepared and approved in April, 1974 (see site development plan for analysis percentages). However, we have utilized, in our computations, the calculations prepared by the office of Sanford B. Sheber, Consulting Engineer, in Albany, New York the original engineer who handled the initial submissions. Consequently, we have a built-in safety factor regarding design flows and pipe sizing.

We respectfully request that you utilize these figures at this time for your review process. We shall be happy to further substantiate our findings relative to runoff and design flows.

Very truly yours,

LAND DESIGN ASSOCIATES


Robert Manniello

RM:jr
enc.

cc: Mr. Donald Boehm

ROBERT MANNIELLO
COLE HAYES

RECEIVED

MAR 23 1977

TOWN ENGINEER'S OFFICE
TOWN OF NEW WINDSOR

Commons at Windsor
Rt. 32 Newburgh
73036

J.L.C.

Drainage

① Areas:	Total Site	<u>100%</u>	<u>24.007 a.</u>
	Buildings	17.1%	4.11 a.
	Paving	23.8%	5.72 a.
	"Green"	58.8%	<u>14.117 a.</u>

② Area of lands to S.W. of Site trib. to this Water shed
= 6.1 ± a.

③ Runoff during 2" Rainfall (approx. 20 yr storm)

{ Using Runoff factor of 0.3 for Grass and/or natural areas —

a) $14.117 a + 6.1 a = 20.22 a.$

$$Q = 20.22 a \times 2 \text{ in. (rainfall)} \times 0.3 \text{ (R.O. factor)} = 12.13 \text{ cfs}$$

b.) $4.11 a + 5.72 a = 9.8 a.$ @ 0.9 Runoff Factor.

$$Q = 9.8 a \times 2 \times 0.9 = 17.69 \text{ cfs}$$

c.) Total runoff during 20 ± yr storm = 29.82 cfs.

1) 27" R.C.P. @ 2% (300' closed run) good for 33.5 cfs
with Velocity of 8.4 f.p.s.

2) 30" C.M.P. @ 2% (300' closed run) good for 36.2 cfs
with Velocity of 7.3 f.p.s.

12" PIPES CAN TAKE
1500 G.P.M.

COMMON @ Windsor

26.9
17.7
5.6

$\frac{1.}{2}$

41% @ 0.9 } .546 runoff factor.
59% @ 0.3 }

We use 0.7 runoff factor;

TOTAL AREA = 24 + 6 = 30 acres.

Flow path \approx 2200' in CMP.

430 - 270 = 160 ← From there on

H = 460 - 260 = 200'

$T_c = 7 \text{ min.}$

50 year storm - $i = 7.4" / \text{hr.}$

20 year storm - $i = 6.0" / \text{hr.}$

27. 32 crossing:

$$Q_{50} = (0.7)(7.4)(30) = 155 \text{ cfs.} \Rightarrow 48" \phi$$

$$Q_{20} = (0.7)(6.0)(30) = 126 \text{ cfs.} \Rightarrow 48" \phi$$

~~see~~ ~~see~~ Garfield St. R&R crossing - ~~see~~ ("outlet of system")

TOTAL CONTRIBUTARY AREA = 79 acres

↑ this includes
Margo St.

$T_c = 11$ minutes

50 year storm - $i = 5.5$ "/hr.

20 year storm - $i = 4.4$ "/hr.

$$Q_{50} = (0.7)(5.5)(79) = 304 \text{ cfs.} \Rightarrow 60" \phi$$

$$Q_{20} = (0.7)(4.4)(79) = 243 \text{ cfs.} \Rightarrow 60" \phi$$

Commons @ Windsor

$\sqrt{2/2}$

Using their runoff factor:

RT. 32 crossing

$$Q_{50} = (.546)(7.4)(30) = 121 \text{ cfs.} \Rightarrow 42" \phi$$

$$Q_{20} = (.546)(6.0)(30) = 98 \text{ cfs.} \Rightarrow 42" \phi$$

GARDEN ST. RAILROAD

$$Q_{50} = (.546)(5.5)(79) = 237 \text{ cfs } 54" \phi$$

$$Q_{20} = (.546)(4.4)(79) = 190 \text{ cfs } 48" \phi$$

note:

On Zerox sheet, they assume that land that is adjacent to site will remain undeveloped. I feel that they should at least use the same runoff factor for this undeveloped land as they use for their development.

i.e. $\left. \begin{array}{l} 41\% \text{ @ } 0.9 \\ 59\% \text{ @ } 0.3 \end{array} \right\} .546$

**

OUTLET FROM SYSTEM - (SUBTRACT MARGO ST. SYSTEMS.)

$$79-13 = 66 \text{ acres.}$$

Runoff factor (0.7)

$$Q_{50} = (0.7)(5.5)(66) = 254 \text{ cfs} \Rightarrow 60" \phi$$

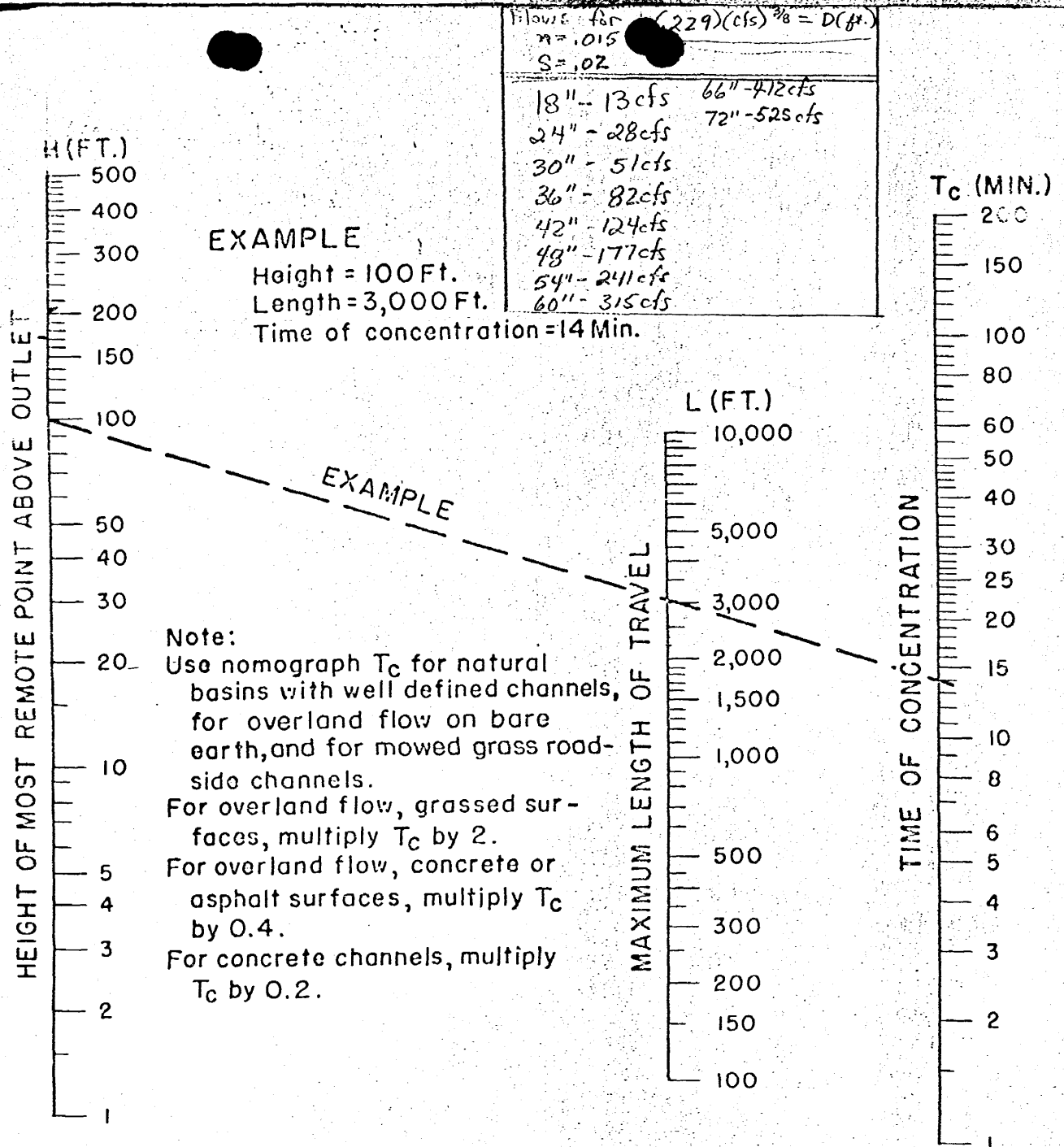
$$Q_{20} = (0.7)(4.4)(66) = 203 \text{ cfs} \Rightarrow 54" \phi$$

Runoff factor (0.546)

$$Q_{50} = (0.546)(5.5)(66) = 198 \text{ cfs} \Rightarrow 54" \phi$$

$$Q_{20} = (0.546)(4.4)(66) = 158 \text{ cfs} \Rightarrow 48" \phi$$

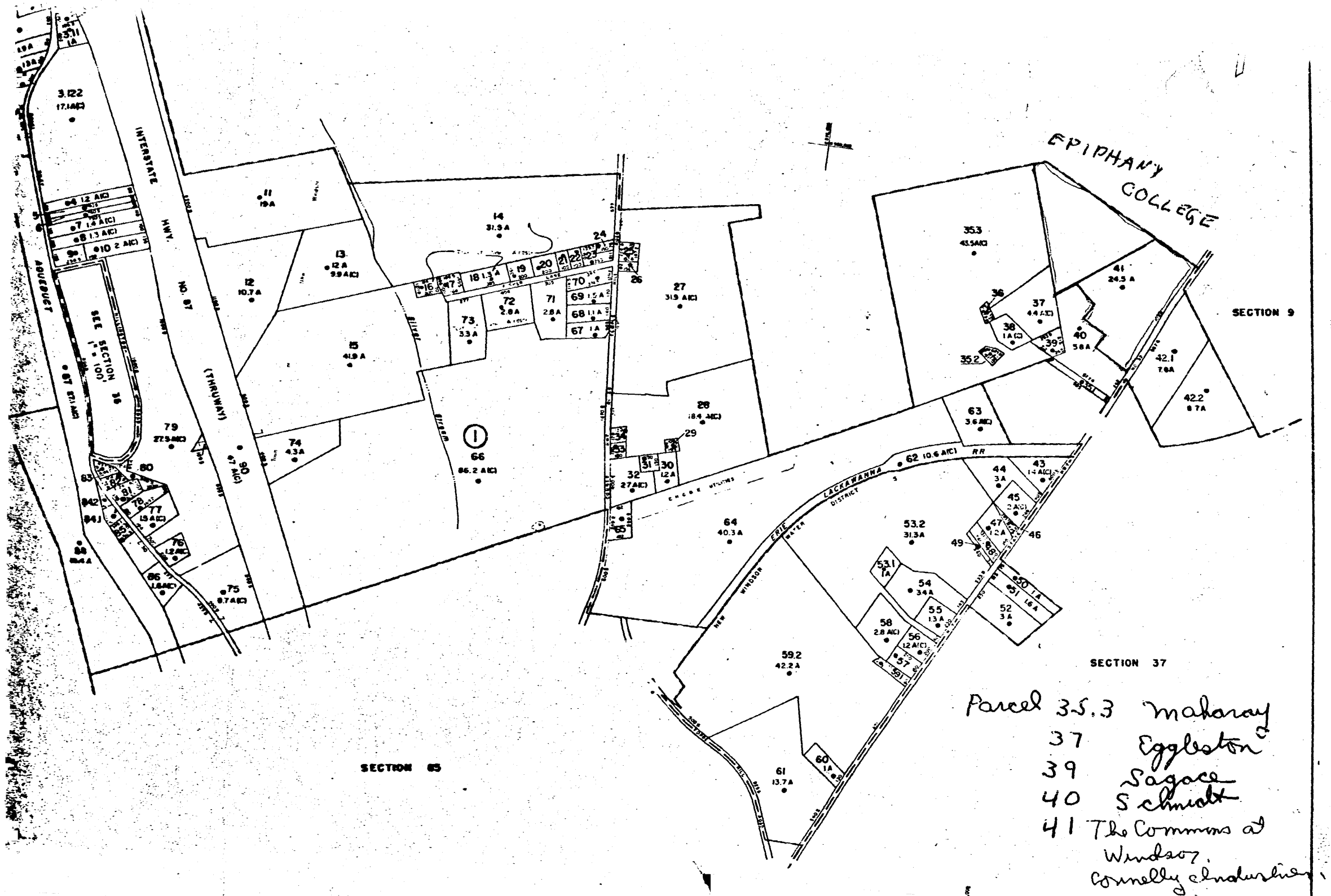
**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

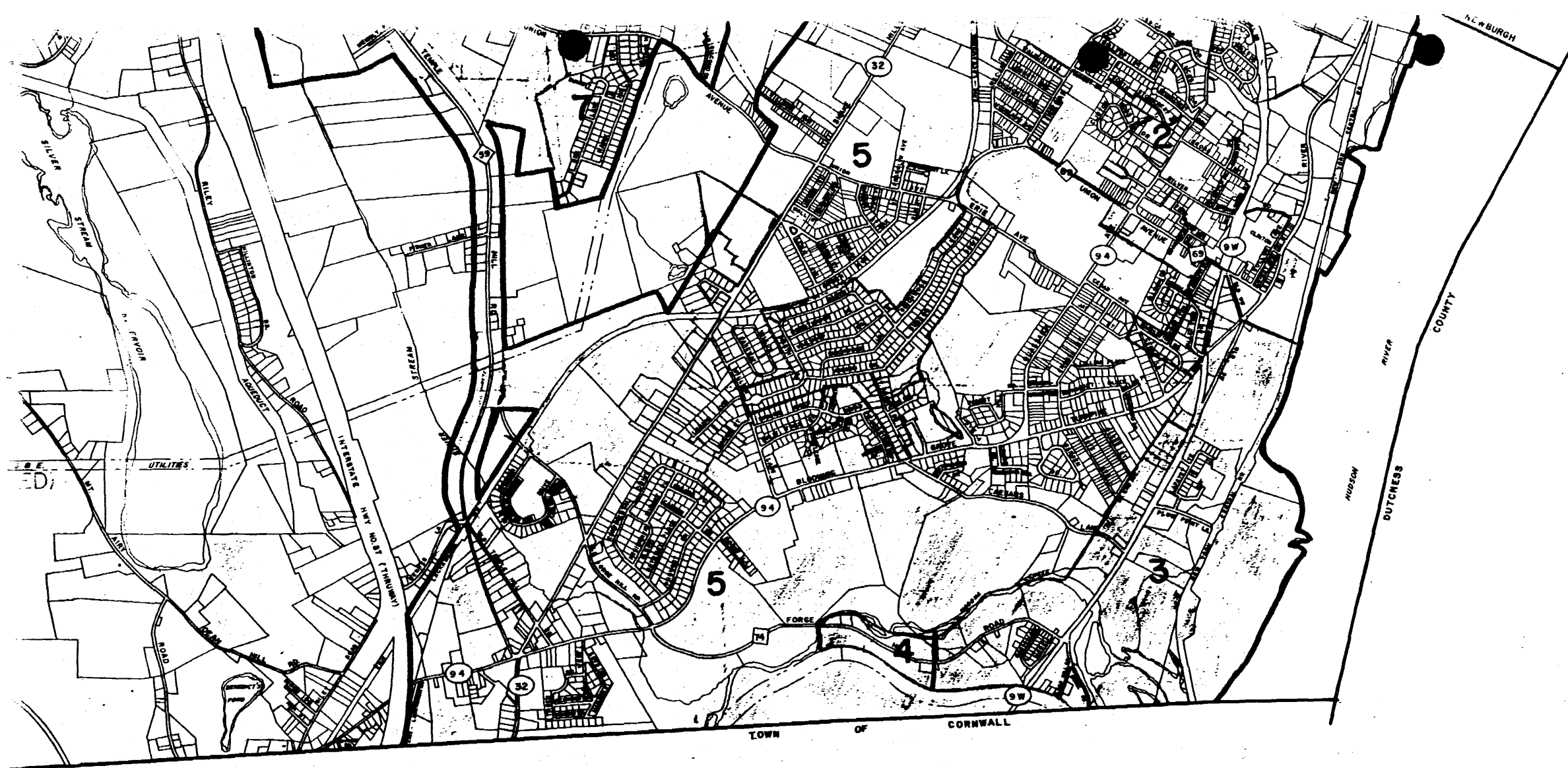


Based on study by P. Z. Kirpich,
 Civil Engineering, Vol. 10, No. 6, June 1940, p. 362

FIG. 5 - TIME OF CONCENTRATION OF SMALL DRAINAGE BASINS

6-17
 From BOOKLET: Hydraulic Engineering Circular No. 6 - DESIGN OF ROADWAY Drainage Channels. - U.S. DEPARTMENT OF COMMERCE
 Bureau of PUBLIC ROADS





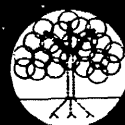
prepared by:

THE OFFICE OF THE TOWN ENGINEER
555 Union Ave. New Windsor, N.Y.

Drawn: TLH

Checked: *[Signature]*

Date: 4/27/77





PUBLIC NOTICE OF HEARING
BEFORE THE PLANNING BOARD
OF THE TOWN OF NEW WINDSOR

Pursuant to Section 19, (5) of the Zoning Ordinance
of the Town of New Windsor, a Public Hearing will be held at the
office of the Planning Board, Town Hall, 555 Union Avenue, Town
of New Windsor on Wednesday the 8th day of
June, 1977 at 8 o'clock in the evening to
approve, modify and approve, or disapprove the site plan of
New Windsor Properties Corp., "Commons at Windsor"
for proposed 190 condominium units
approximately 24 acres situated on the southerly
side of Route 32, south of Union Avenue, bounded by the lands
of Epiphany College

By order of the Planning Board of the Town of New
Windsor, Orange County, State of New York;

Dated: Newburgh, New York

Chairman

Connelly Industries Management Corp.

P. O. BOX 1104
NEWBURGH, NEW YORK 12550
TELEPHONE (914) 562-4944

*received
2/14/79 JH*

February 14, 1979

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York

Re: Connelly Industries, Inc., Renewal of Planning Board Approval
24 Acres, Rt. 32

Gentlemen:

We herewith request a 6 months extension from the New Windsor Planning Board for the final site plan approval of our property on Rt. 32 consisting of 24 acres.

We trust that this approval shall be renewed as we are currently completing our arrangements for development of this property.

Thank you for your consideration.

Very truly yours,

CONNELLY INDUSTRIES, Inc.



Donald P. Boehm

DPB/si

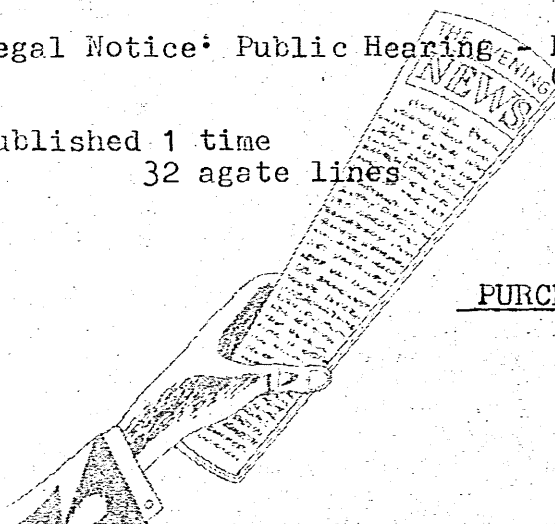
THE EVENING NEWS

PHONE (914) 561-3000

NEWS BUILDING, 85 DICKSON ST. • NEWBURGH, N. Y. 12550

Town of New Windsor
Town Hall
555 Union Avenue
New Windsor, New York 12550

May 27, 1977

CUSTOMER ORDER NO.	DATE SHIPPED	SHIP VIA	TERMS	SALESMAN	INVOICE DATE
			Net		
QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT		
	Legal Notice: Public Hearing - New Windsor Properties Corp. "Commons at Windsor"		\$ 11 84		
	Published 1 time 32 agate lines	May 26 @ 37¢			
					
<u>PURCHASE ORDER NO: 13968</u>					

Memo FROM:

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK 12550

TO:

Scott & Schechtman
Attorneys at Law
178 Grand Street
Newburgh, New York 12550

DATE: July 19, 1979

SUBJECT: 6 Month Extension for Connelly Industry

—FOLD HERE—

Gentlemen:

A six (6) month extension has been granted to Connelly Industry effective July 6, 1979. The Planning Board approved this at their July 18, 1979 meeting.

Yours truly,

Ernest Spignardo

ERNEST SPIGNARDO
Chairman

ES/sh

by _____

Received
Planning Board 2/14/79 SH

SCOTT & SCHECHTMAN

Attorneys at Law

178 GRAND STREET *Newburgh, New York 12550* (914) 565-5252

H. MORTON SCOTT
STEVEN I. SCHECHTMAN

February 9, 1979

Mr. Ernest Spignardo
Town of New Windsor Planning Board
c/o Ernies Mens' Shop
317 Windsor Highway
New Windsor, New York 12550

Re: Connelly Industries Site Plan

Dear Mr. Spignardo:

Please consider this letter as a request from our client Connelly Industries, Inc. for an extension of time on their site plan which is due to expire shortly.

I understand that there is a Planning Board Meeting on Wednesday evening, February 14, 1979 and I would appreciate this extension of time for our client being considered.

Thank you for your attention to this matter.

Very truly yours,

H. Morton Scott

H. MORTON SCOTT

HMS:aw

6 months left
granted

SCOTT & SCHECHTMAN

Attorneys at Law

H. MORTON SCOTT
STEVEN I. SCHECHTMAN

178 GRAND STREET *Newburgh, New York 12550* (914) 565-1250

*received 4/26/79
8X.
has until 7/18/79
meeting for vote*

July 6

June 25, 1979

Mr. Ernest Spignardo
c/o Ernie's Mens Shop
317 Windsor Highway
New Windsor, New York 12550

Re: Connelly Industries Corp.
Route 32, New Windsor Property

Dear Mr. Spignardo:

Pursuant to our telephone conversation this date, will you kindly place on the agenda for Wednesday evening's Planning Board meeting a six month extension for the Connelly Industries matter on Route 32, Town of New Windsor. The present time expires on July 6, 1979 and Connelly Industries is presently in the process of winding up the financing. It is felt that the project should be ready to move forward in September of this year.

This office will check with you on Thursday, June 28th to see if said extension has been granted and trust that we will receive notification of same in writing.

Thank you for your courtesies herein.

Very truly yours,

H. Morton Scott for

H. MORTON SCOTT

HMS:aw

*6 mo ext.
granted*